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09/940,117	08/28/2001	Vincent P. Robibero	1-15662	3920
43935 7590 10/19/2010 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER				
VAN BRAMER, JOHN W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VINCENT P. ROBIBERO

Appeal 2011-000176
Application 09/940,117
Technology Center 3600

Before KIMBERLY R. JORDAN, *Division 1 Support Administrator.*

ORDER DISMISSING APPEAL

On October 7, 2008, Appellant filed a Notice of Appeal. On August 3, 2010, Appellant filed a request to reopen prosecution, exercising their option to reopen prosecution in response to a new ground of rejection contained in the Examiner's Answer mailed on July 1, 2010. Per 37 C.F.R. § 41.39(b)(1), this request is treated as a request to withdraw the appeal.

Accordingly, the appeal in this application is dismissed.

The application is being returned to the Examiner for further action as may be appropriate.

Appeal 2011-000176
Application 09/940,117

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

llw

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